

CHEN v. HARRAH'S RINCON, et al.

Index of Exhibits

Exhibit 1	Entire Court File in San Diego Superior Court Case <i>Xiu Yun Chen v. Harrah's Rincon Casino & Resort</i> , Case No. 37-2010-00058169-CU-PO-NC	Pages 1-39
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SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Harrah's Rincon Casino & Resort, Pacific Carpets Inc., Eduardo Guzman
DBA Guzman Carpets, Rincon Band of Luiseno Indians, Does 1 to 50

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Xiu Yun Chen

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
AUG 10 2010
Deputy
County Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
County of San Diego, North County Regional Center
325 South Melrose, Vista, CA 92081

CASE NUMBER: 2010-00058169-CU-PO-NC
(Número del caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Davis Law Offices by: Andrew J. Davis (24255) 1900 W. Garvey Avenue #160, West Covina, CA 91790

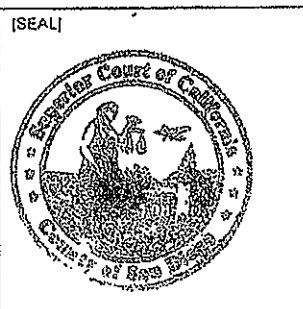
DATE:
(Fecha)

AUG 10 2010

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



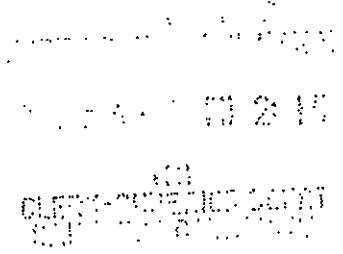
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

EXHIBIT 1

Page 1 Page 1 of 1

CM-01C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Davis Law Offices By: Andrew J. Davis (24255) 1900 W. Garvey Avenue South, Suite 160 West Covina, CA 91790 TELEPHONE NO.: (626) 962-7400 FAX NO.: ATTORNEY FOR (Name): Plaintiff Xiu Yun Chen		FOR COURT USE ONLY <div style="text-align: center;">  </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 South Melrose MAILING ADDRESS: Same CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Regional Center		CASE NUMBER: 37-2010-00058169-CU-PO-NC JUDGE: DEPT:
CASE NAME: Xiu Yun Chen v. Harrah's Rincon Casino & Resort		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input checked="" type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Premises Liability, General Negligence.
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case: (You may use form CM-015.)

Date: August 5, 2010

Davis Law Offices, by: Andrew J. Davis, Esq.

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. **EXHIBIT** Cal. Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Davis Law Offices By: Andrew J. Davis (24255) 1900 W. Garvey Avenue South, Suite 160 West Covina, CA 91790 TELEPHONE NO. (626) 962-7400 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Xiu Yun Chen		FOR COURT USE ONLY 37-2010-00058169-CU-PO-NC
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 South Melrose MAILING ADDRESS: Same CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Regional Center		
PLAINTIFF: Xiu Yun Chen DEFENDANT: Harrah's Rincon Casino & Resort, Pacific Carpets Inc., Eduardo Guzman DBA Guzman Carpets, Rincon Band <input checked="" type="checkbox"/> DOES 1 TO 50 of Luiseno Indians, and		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): as prayed for		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 37-2010-00058169-CU-PO-NC

1. Plaintiff (name or names): Xiu Yun Chen
 alleges causes of action against defendant (name or names):
 Harrah's Rincon Casino & Resort, Pacific Carpets Inc., Eduardo Guzman DBA Guzman Carpets, Rincon Band
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5 of Luiseno Indians and Does 1-50
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are competent adults is shown in Attachment 3.

ORIGINAL

PLD-PI-001

SHORT TITLE: Chen v. Harrah's	CASE NUMBER:
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4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Harrah's Rincon Casino & Resort ☒ except defendant (name): Rincon Band of Luiseno Ind:
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☐ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☒ other (specify):
Indian tribal community
- b. ☒ except defendant (name): Pacific Carpets Inc. d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☒ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 26 to 50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

EXHIBIT 1

PLD-PI-001

SHORT TITLE: Chen v. Harrah's	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify):

Physical injuries, nervous pain and suffering, and emotional distress in an amount, scope and extent not yet fully known.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

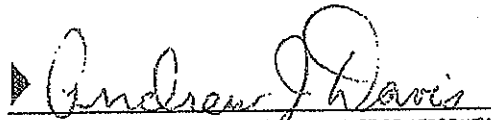
15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: August 5, 2010

Davis Law Offices by: Andrew J. Davis, Esq.

(TYPE OR PRINT NAME)

EXHIBIT 1


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(4)

SHORT TITLE:

Chen v. Harrah's

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Xiu Yun Chen

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): or about 08/16/2008

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was in defendants' casino located at 777 Harrah's Rincon Way, Valley Center, California, and was passing through an area where plaintiff was unaware that carpet was to be installed due to the absence of any warning signs, was caused to slip and fall. As a proximate result, plaintiff suffered severe injuries, including but not limited to, a knee fracture.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

Harrah's Rincon Casino & Resort, Rincon Band of Luiseno Indians, and

☒ Does 1 to 50

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Pacific Carpets Inc., Eduardo Guzman DBA Guzman Carpets, and

☒ Does 1 to 50

b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☒ as follows (names):

Liability pursuant to Civil Code section 1714(a), Vicarious Liability; defendants Harrah's Rincon Casino & Resort, Rincon Band of Luiseno Indians, Pacific Carpets Inc Eduardo Guzman, **EXHIBIT** Guzman Carpets, and Does 1 to 50

PLD-PI-001(2)

SHORT TITLE: Chen v. Harrah's	CASE NUMBER:
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SECOND **CAUSE OF ACTION—General Negligence** Page 5
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Xiu Yun Chen

alleges that defendant (name): Harrah's Rincon Casino & Resort, Pacific Carpets Inc., Eduardo Guzman DBA Guzman Carpets, Rincon Band of Luiseno Indians, and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): or about 08/16/2008

at (place): Harrah's Rincon Casino, located at 777 Harrah's Rincon Way, Valley Center, CA

(description of reasons for liability):

At all times hereinafter mentioned defendants HARRAH'S RINCON CASINO & RESORT, PACIFIC CARPETS, INC., EDUARDO GUZMAN DBA GUZMAN CARPETS, RINCON BAND OF LUISENO INDIANS, and DOES 1 to 50, and each of them, so negligently, carelessly and without due regard or concern for the life and safety of Plaintiff, did so own, maintain, operate, control, repair, supervise or occupy those certain premises known as Harrah's Rincon Casino & Resort located at 777 Harrah's Rincon Way, Valley Center, County of San Diego, State of California, in such a manner so as to create, cause, allow, contribute to or assist in the creation of a dangerous and defective condition of the premises, which existed upon such premises in sufficient time for the defendants to have actual and/or constructive notice of such condition, which defendants negligently and carelessly failed and neglected to do. Such defective and dangerous condition included an area on the premises where carpet was to be or was being installed that was open, without any warning signs, for anyone to walk into, and the defendants responsible therefore were defendants HARRAH'S RINCON CASINO & RESORT, PACIFIC CARPETS, INC., EDUARDO GUZMAN DBA GUZMAN CARPETS, RINCON BAND OF LUISENO INDIANS, including its employees and/or agents, and DOES 1 to 50,

As a direct and proximate result of the defective and dangerous condition, the failure to guard and/or warn of such dangerous condition, and the negligence of defendants HARRAH'S RINCON CASINO & RESORT, PACIFIC CARPETS, INC., EDUARDO GUZMAN DBA GUZMAN CARPETS, RINCON BAND OF LUISENO INDIANS, and DOES 1 to 50, on the above date and place, plaintiff XIU YUN CHEN, was unaware of the dangerous condition of the premises and not made aware of such dangerous condition due to the absence of any warning signs, as she passed through said area where carpet was to be or was being installed, and was caused to slip and fall resulting in great and lasting injuries and damages to plaintiff in an amount according to proof at trial.

EXHIBIT 1

CAUSE OF ACTION—General Negligence

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 325 S. Melrose
 MAILING ADDRESS: 325 S. Melrose
 CITY AND ZIP CODE: Vista, CA 92081
 BRANCH NAME: North County
 TELEPHONE NUMBER: (760) 201-8031

PLAINTIFF(S) / PETITIONER(S): Xiu Yun Chen

DEFENDANT(S) / RESPONDENT(S): Harrah's Rincon Casino & Resort et.al.

CHEN VS. HARRAH'S RINCON CASINO & RESORT

NOTICE OF CASE ASSIGNMENT

CASE NUMBER:

37-2010-00058169-CU-PO-NC

Judge: William S. Dato

Department: N-31

COMPLAINT/PETITION FILED: 08/09/2010

**CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL
 REQUIREMENTS LISTED BELOW**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

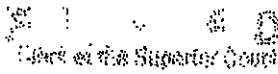
DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

EXHIBIT 1

Page 8

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		 NOV 08 2010
STREET ADDRESS:	325 S. Melrose	
MAILING ADDRESS:	325 S. Melrose	
CITY AND ZIP CODE:	Vista, CA 92081	
BRANCH NAME:	North County	
TELEPHONE NUMBER:	(760) 201-8031	
PLAINTIFF(S)/PETITIONER(S)/APPELLANT(S): Xiu Yun Chen		
DEFENDANT(S)/RESPONDENT(S): Harrah's Rincon Casino & Resort et.al.		
Short Title: Chen vs. Harrah's Rincon Casino & Resort		
NOTICE OF HEARING		CASE NUMBER: 37-2010-00058169-CU-PO-NC

Notice is given that the above-entitled case has been set for the reason listed below and at the location shown above. All inquiries regarding this notice should be referred to the court listed above.

<u>TYPE OF HEARING</u>	<u>DATE</u>	<u>TIME</u>	<u>DEPT</u>	<u>JUDGE</u>
OSC - Failure to File Certificate of Service	01/28/2011	11:00 am	N-31	William S. Dato

*Certificate of Service was due 10/13/10

*Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document

The hearing will be cancelled if BOTH of the following occur 10 days prior to the hearing date: 1) File the above document; and 2) Stipulate to and pay a sanction in the amount of \$50, payable to "San Diego Superior Court", WITH A COPY OF THIS NOTICE, in the IC department to which the case is assigned. If you are unable to comply with one or both of the above requirements, appearance at the hearing is mandatory. If more court time is required, additional sanctions may be imposed.

EXHIBIT 1

Page 9

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

North County
325 S. Melrose
Vista, CA 92081

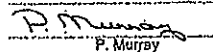
SHORT TITLE: Chen vs. Harrah's Rincon Casino & Resort

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
37-2010-00058169-CU-PO-NC

I certify that I am not a party to this cause. I certify that a true copy of NOTICE OF HEARING was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The certification occurred at Vista, California on 11/08/2010. The mailing occurred at Sacramento on 11/09/2010.

Clerk of the Court, by:


P. Murray

, Deput

ANDREW J DAVID
1900 W GARVEY AVE SOUTH STE 160
WEST COVINA, CA 91790

EDWARD C MEARA
AUSTIN, BROWNWOOD & CANNON
525 B ST STE 1000
SAN DIEGO, CA 92101

CLERK'S CERTIFICATE OF SERVICE BY MAIL

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS:	325 S. Melrose
MAILING ADDRESS:	325 S. Melrose
CITY AND ZIP CODE:	Vista, CA 92081
BRANCH NAME:	North County
TELEPHONE NUMBER:	(760) 201-8031
PLAINTIFF(S)/PETITIONER(S)/APPELLANT(S): Xiu Yun Chen	
DEFENDANT(S)/RESPONDENT(S): Harrah's Rincon Casino & Resort et.al.	
Short Title: Chen vs. Harrah's Rincon Casino & Resort	
NOTICE OF RESCHEDULED HEARING	
CASE NUMBER: 37-2010-00058169-CU-PO-NC	

Notice is given that the hearing in the above-entitled case has been rescheduled from 01/28/2011 11:00 AM to date and time shown below. All inquiries regarding this notice should be referred to the court listed above.

TYPE OF HEARING

OSC.- Failure to File Certificate of Service

DATE

03/18/2011

TIME

11:00 am

DEPT

N-31

JUDGE

Timothy M. Cass

*Certificate of Service was due 10/13/10.

The hearing will be cancelled if BOTH of the following occur 10 days prior to the hearing date: 1) File the above document; and 2) Stipulate to and pay a sanction in the amount of \$50, payable to "San Diego Superior Court", WITH A COPY OF THIS NOTICE, in the IC department to which the case is assigned. If you are unable to comply with one or both of the above requirements, appearance at the hearing is mandatory. If more court time is required, additional sanctions may be imposed.

EXHIBIT 1

Page 11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

North County
325 S. Melrose
Vista, CA 92081

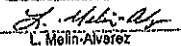
SHORT TITLE: CHEN VS. HARRAH'S RINCON CASINO & RESORT

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
37-2010-00058169-CU-PO-NC

I certify that I am not a party to this cause. I certify that a true copy of NOTICE OF RESCHEDULED HEARING was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The certification occurred at Vista, California on 02/08/2011. The mailing occurred at Sacramento on 02/09/2011.

Clerk of the Court, by: _____


L. Melin-Alvarez

, Depu

ANDREW J DAVID
1900 W GARVEY AVE SOUTH STE 160
WEST COVINA, CA 91790

EDWARD C MEARA
AUSTIN, BROWNWOOD & CANNON
525 B ST STE 1000
SAN DIEGO, CA 92101

CLERK'S CERTIFICATE OF SERVICE BY MAIL

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
NORTH COUNTY

MINUTE ORDER

DATE: 01/28/2011

TIME: 11:00:00 AM

DEPT: N-31

JUDICIAL OFFICER PRESIDING: Timothy M. Casserly

CLERK: Trish Dietrich, Lety Melin-Alvarez

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: 37-2010-00058169-CU-PO-NC CASE INIT.DATE: 08/09/2010

CASE TITLE: **Chen vs. Harrah's Rincon Casino & Resort**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: OSC - Failure to File Certificate of Service

APPEARANCES

Herbert Papenfuss, specially appearing for counsel Andrew David, present for Plaintiff(s).

OSC - Failure to File Certificate of Service is continued pursuant to party's motion to 03/18/2011 at 11:00AM before Judge Timothy M. Casserly.

DATE: 01/28/2011

DEPT: N-31

EXHIBIT 1

MINUTE ORDER

Page
13
Calendar N

Superior Court of California County of San Diego SIGN-IN SHEET	Calendar No. 20 <hr/> Court Use Only
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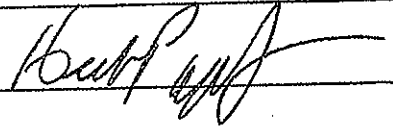
CASE: 37-2010-00058169-CU-PO-NC - Xiu Yun Chen vs. Harrah's Rincon Casino & Resort

EVENT TYPE: OSC - Failure to File Certificate of Service

EVENT DATE/TIME: 01/28/2011 11:00 am

JUDGE: Timothy M. Casserly

DEPARTMENT: N-31

ATTORNEY/PARTICIPANT NAME	CLIENT NAME	SIGNATURE
David, Andrew J	Chen, Xiu Yun et. al. [PLN]	
Harrah's Rincon Casino & Resort	[DFN]	
Meara, Edward C	Guzman, Eduardo [DFN]	
Pacific Carpets Inc	[DFN]	
Rincon Band of Luiseno Indians	[DFN]	

Herbert Papenfuss
 Attorney At Law
 4575 Cove Dr
 Carlsbad Ca92008

760 434 3689
 760 458 9601
 hfuss@sbcglobal.net

EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): DAVIS LAW OFFICE, BY: JAY DAVIS, ESQ. SBN 102076 1900 WEST GARVEY AVENUE SOUTH SUITE 160 WEST COVINA, CA 91790 TELEPHONE NO.: 626.962.7400 FAX NO. (Optional): 626.962.7474 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFF		FOR COURT USE ONLY 111 FEB -7 PM 4:00 (C) CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 325 SOUTH MELROSE MAILING ADDRESS: CITY AND ZIP CODE: VISTA, CA 92081 BRANCH NAME: NORTH COUNTY REGIONAL CENTER		
PLAINTIFF/PETITIONER: XIU YUN CHEN DEFENDANT/RESPONDENT: Harrah's Rincon Casino & Resort, Pacific Carpets Inc., Eduardo Guzman DBA Guzman Carpets, Rincon Band of Luiseno Indians		CASE NUMBER: 37-2010-00058169-CU-PO-NC
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): NOTICE TO LITIGANTS; STATEMENT OF DAMAGES; NOTICE OF CASE ASSIGNMENT
- Party served (specify name of party as shown on documents served):
PACIFIC CARPETS, INC.
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
ALFRED GALLARDO- OWNER/PRESIDENT
- Address where the party was served:
17752 METZIER LANE
HUNTINGTON BEACH, CA 92647
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 01/20/2011 (2) at (time): 12:50 PM
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

EXHIBIT 1

PLAINTIFF/PETITIONER: XIU YUN JEN	FILE NUMBER: 37-2010-00058169-CU-PO-NC
DEFENDANT/RESPONDENT: HARRAH'S RINCON CASINO & RESORT,	

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date) : (2) from (city) :
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section) :

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify) :
- c. ☐ as occupant.
- d. ☒ On behalf of (specify) : PACIFIC CARPETS, INC.

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers JULIUS LOPEZ'S ATTORNEY SERVICE

- a. Name: THANH KHONG
- b. Address: 20850 BRYANT ST., WINNETKA, CA 91306
- c. Telephone number: 213.448.7623
- d. The fee for service was: \$
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 919
- (iii) County: ORANGE

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 01/20/2011

THANH KHONG

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

EXHIBIT 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION		FOR COURT USE ONLY FEB 18 2011
TITLE OF CASE (Abbreviated) CHEN V. HARRAH'S RINCON CASINO & RESORT, ET AL.		
ATTORNEY(S) NAME AND ADDRESS Barry M. Vrevich, Esq. VREVICH & ASSOCIATES, APC 350 10 th Avenue, Suite 900 San Diego, CA 92101-7498 (619) 515-1155; Fax (619) 515-1159		
ATTORNEY(S) FOR: Defendant, PACIFIC CARPETS, INC.	HEARING, DATE, TIME: Trial Date:	CASE NO.: 37-2010-0058169- CU-PO-NC JUDGE: William S. Dato DEPT: N-31

DECLARATION OF SERVICE

I, DONNA M. DOLEZAL, declare that: I am over the age of eighteen years and not a party to the action; I am employed in, or am a resident of the County of San Diego, California; where the mailing occurs; and my business address is 350 10th Avenue, Suite 900, San Diego, California, telephone number (619) 515-1155; facsimile number (619) 515-1159. I further declare that I am not a registered California process server and I am readily familiar with the business practice for collection and processing of correspondence, pleadings, and discovery for mailing via U.S. MAIL, UPS OVERNIGHT MAIL, FACSIMILE AND/OR PERSONAL SERVICE pursuant to which practice I served the following original document(s) or true copies thereof, with all exhibits:

DEFENDANT PACIFIC CARPETS, INC.'S ANSWER TO COMPLAINT

by one or more of the following methods of service for each addressee respectively as follows:

SEE ATTACHED SERVICE LIST

- ☒ (BY U.S. MAIL) I caused such document(s) to be sealed in envelopes, and with the correct postage thereon fully prepaid, either deposited in the United States Postal Service or placed for collection and mailing on February 18, 2011, at San Diego, California, following ordinary business practices.
- ☐ (BY OVERNIGHT MAIL) I caused such document(s) to be sealed in separate envelopes for each addressee and deposited with the United Parcel Services for collection and mailing via UPS OVERNIGHT MAIL on February 18, 2011, at San Diego, California, following ordinary business practices.
- ☐ (BY FACSIMILE) I caused such document(s) to be transmitted via facsimile to the named persons at their respective fax numbers on February 10, 2009, at San Diego, California. I then confirmed receipt of the facsimile transmission. The facsimile machine used complied with the California Rules of court, Rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.
- ☐ (BY PERSONAL SERVICE) On _____, 2009, at approx. _____ a.m./p.m., I served a copy of the following documents: _____ on the interested parties by personally delivering a copy of said document(s) to: _____, at the following address(es): _____ by: (mark one)
- ☐ personally delivering the copies.
 - ☐ leaving the copies at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served _____ with a receptionist or a person having charge thereof; or _____ in a conspicuous place in the office between 9:00 a.m. and 5:00 p.m.
 - ☐ by leaving the copies at the individual's residence with some person of not less than 18 years of age. (If service was to a party and not an attorney, delivery was made between 8:00 a.m. and 6:00 p.m.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 18, 2011.

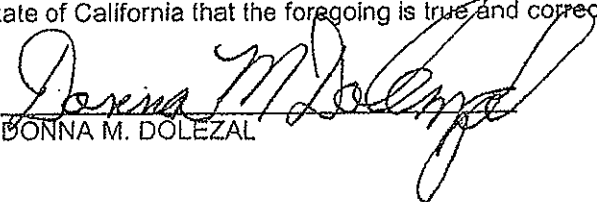

DONNA M. DOLEZAL

EXHIBIT 1

DECLARATION OF SERVICE

CHEN V. HARRAH'S RINCON CASINO & RESORT
Orange Superior Court Case No. 37-2010-00058169-CU-PO-NC
SERVICE LIST

FIRM/ATTORNEY	PARTY
Andrew J. Davis, Esq. Davis law offices 1900 W. Garvey Avenue South, Suite 160 West Covina, CA 91790 Tel: (626) 962-7400 Fax: (626) 962-7474 davislaw@charterinternet.com	

EXHIBIT 1
DECLARATION OF SERVICE

(C.C.P. 1013a(1), 1013a(3), 2015.5, 1011, Coordinated Rules, Div. 11, Rule 5.20 and C.R.C 982

PAGE 2

Page 18

PROOF OF SERVICE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 325 S. Melrose	
MAILING ADDRESS: 325 S. Melrose	
CITY AND ZIP CODE: Vista, CA 92081	
BRANCH NAME: North County	
TELEPHONE NUMBER: (760) 201-8031	
PLAINTIFF(S)/PETITIONER(S)/APPELLANT(S): Xiu Yun Chen	
DEFENDANT(S)/RESPONDENT(S): Harrah's Rincon Casino & Resort et.al.	
Short Title: Chen vs. Harrah's Rincon Casino & Resort	
NOTICE OF HEARING	CASE NUMBER: 37-2010-00058169-CU-PO-NC

Notice is given that the above-entitled case has been set for the reason listed below and at the location shown above. All inquiries regarding this notice should be referred to the court listed above.

<u>TYPE OF HEARING</u>	<u>DATE</u>	<u>TIME</u>	<u>DEPT</u>	<u>JUDGE</u>
Civil Case Management Conference	04/29/2011	09:00 am	N-31	Timothy M. Casserly

Counsel: Check service list. If you have brought a party into this case who is not included in the service list, San Diego Superior Court Local Rules, Division II, requires you to serve the party with a copy of this notice.

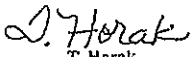
A case management statement must be completed by counsel for all parties or parties in pro per and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR options.

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO North County 325 S. Melrose Vista, CA 92081	
SHORT TITLE: Chen vs. Harrah's Rincon Casino & Resort	
CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: 37-2010-00058169-CU-PO-NC

I certify that I am not a party to this cause. I certify that a true copy of NOTICE OF HEARING was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The certification occurred at Vista, California on 03/16/2011. The mailing occurred at Sacramento on 03/17/2011.

Clerk of the Court, by: , Deputy
T. Horak

ANDREW J DAVID
1900 W GARVEY AVE SOUTH STE 160
WEST COVINA, CA 91790

EDWARD C MEARA
AUSTIN, BROWNWOOD & CANNON
525 B ST STE 1000
SAN DIEGO, CA 92101

BARRY M VREVICH
VREVICH & ASSOCIATES APC
350 10TH AVENUE # 900
SAN DIEGO, CA 92101

CLERK'S CERTIFICATE OF SERVICE BY MAIL

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
NORTH COUNTY

MINUTE ORDER

DATE: 03/18/2011

TIME: 11:00:00 AM

DEPT: N-31

JUDICIAL OFFICER PRESIDING: Timothy M. Casserly

CLERK: Christine Horak, Judit Bako

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: F. Wuetelet

CASE NO: 37-2010-00058169-CU-PO-NC CASE INIT.DATE: 08/09/2010

CASE TITLE: Chen vs. Harrah's Rincon Casino & Resort

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: OSC - Failure to File Certificate of Service

APPEARANCES

Andrew David, counsel, present for Plaintiff(s) telephonically.

Court and counsel confer regarding failure to file Certificate of Service.

Request for extension is granted. Plaintiff to file Certificate of Service by 04/29/2011.

OSC - Failure to File Certificate of Service is continued pursuant to party's motion to 04/29/2011 11:00AM before Judge Timothy M. Casserly.

EXHIBIT 1

DATE: 03/18/2011

MINUTE ORDER

DEPT: N-31

Superior Court of California County of San Diego SIGN-IN SHEET	Calendar 26
	Court Use Only
	Clerk of the Superior Court
	MAR 18 2011 By: P. DIETRICH, Deputy

CASE: 37-2010-00058169-CU-PO-NC - Xiu Yun Chen vs. Harrah's Rincon Casino & Resort

EVENT TYPE: OSC - Failure to File Certificate of Service

EVENT DATE/TIME: 03/18/2011 11:00 am

JUDGE: Timothy M. Casserly

DEPARTMENT: N-31

ATTORNEY/PARTICIPANT NAME	CLIENT NAME	SIGNATURE
David, Andrew J <i>Tele</i>	Chen, Xiu Yun et. al. [PLN]	<i>Andrew Davis</i>
Harrah's Rincon Casino & Resort	[DFN]	
Meara, Edward C	Guzman, Eduardo [DFN]	
Rincon Band of Luiseno Indians	[DFN]	
Vrevich, Barry M	Pacific Carpets Inc [DFN]	

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 325 S. Melrose	
MAILING ADDRESS: 325 S. Melrose	
CITY AND ZIP CODE: Vista, CA 92081	
BRANCH NAME: North County	
TELEPHONE NUMBER: (760) 201-8031	
PLAINTIFF(S)/PETITIONER(S)/APPELLANT(S): Xiu Yun Chen	
DEFENDANT(S)/RESPONDENT(S): Harrah's Rincon Casino & Resort et.al.	
Short Title: Chen vs. Harrah's Rincon Casino & Resort	
NOTICE OF RESCHEDULED HEARING	CASE NUMBER: 37-2010-00058169-CU-PO-NC

Notice is given that the hearing in the above-entitled case has been rescheduled from 03/18/2011 11:00 AM to date and time shown below. All inquiries regarding this notice should be referred to the court listed above.

TYPE OF HEARING

OSC - Failure to File Certificate of Service

DATE

04/29/2011

TIME

11:00 am

DEPT

N-31

JUDGE

Timothy M. Casserly

*Certificate of Service was due 10/13/10.

The hearing will be cancelled if BOTH of the following occur 10 days prior to the hearing date: 1) File the above document; and 2) Stipulate to and pay a sanction in the amount of \$50, payable to "San Diego Superior Court", WITH A COPY OF THIS NOTICE, in the IC department to which the case is assigned. If you are unable to comply with one or both of the above requirements, appearance at the hearing is mandatory. If more court time is required, additional sanctions may be imposed.

EXHIBIT 1

1501847100

P.01/01

TRANSACTION REPORT

MAR/14/2011/MON 10:25

FILED
NORTH COUNTY DIVISION

FAX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	MAR/14	10:24AM	16269627474	0:00:54	4	MEMORY	2011 MAR 21 PM 3:50:21

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

Barry M. Vrevich, Esq. (State Bar No. 123999)
 Alexia M. Norge, Esq. (State Bar No. 267101)
 VREVICH & ASSOCIATES, APC
 501 West Broadway, Suite 740
 San Diego, CA 92101
 Tel: (619) 515-1155 Fax: (619) 515-1159
 Attorneys for Cross-Defendant
 PACIFIC CARPETS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION

XIU YUN CHEN,) Case No.: 37-2010-00058169-CU-PO-NC
 Plaintiff,)
 vs.) NOTICE OF CHANGE OF ADDRESS
 HARRAH'S RINCON CASINO &)
 RESORT, PACIFIC CARPETS, INC.,)
 EDUARDO GUZMAN dba GUZMAN)
 CARPETS, RINCON BANK OF LUISENO)
 INDIANS, and DOES 1 TO 50,)
 Defendants.)

TO THE CLERK OF THE SUPERIOR COURT, ALL PARTIES AND TO
 THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that effective immediately the new
 address, for VREVICH & ASSOCIATES, APC, will be as follows:

VREVICH & ASSOCIATES, APC
 501 West Broadway, Suite 740
 San Diego, CA 92101
 Telephone: (619) 515-1155
 Facsimile: (619) 515-1159

EXHIBIT 1

The telephone and facsimile numbers remain the same

Page 24

FILED
FEB 18 2011

Barry M. Vrevich, Esq.; SBN 123999
Christopher C. Magill; SBN 268640
VREVICH & ASSOCIATES, APC
350 10th Avenue, Suite 900
San Diego, CA 92101-7498
(619) 515-1155; Fax (619) 515-1159

Attorneys for Defendant
PACIFIC CARPETS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION

XIU YUN CHEN,)	Case No.: 37-2010-00058169-CU-
)	PO-NC
Plaintiff,)	
)	DEFENDANT, PACIFIC CARPETS,
v.)	INC.'S ANSWER TO COMPLAINT
)	
HARRAH'S RINCON CASINO &)	Judge: Hon. William S. Dato
RESORT, PACIFIC CARPETS, INC.,)	
EDUARDO GUZMAN dba GUZMAN)	Dept. N-31
CARPETS, RINCON BANK OF LUISENO)	
INDIANS, and DOES 1 to 50,)	
)	
Defendants.)	Complaint filed: 08/09/10

Defendant, PACIFIC CARPETS, INC. ("this answering Defendant"),
answers the unverified Complaint of Plaintiff, XIU YUN CHEN
("Plaintiff"), and for itself alone, denies and alleges as follows:

GENERAL DENIAL

Under the provisions of Section 431.30 of the Code of Civil
Procedure, this answering Defendant denies generally and
specifically, each and every allegation contained in the unverified
Complaint, and the whole thereof, and each and every alleged cause
of action thereof, and denies that Plaintiff sustained damages as
alleged, or at all, by reason of any act, breach or omission on the

///

EXHIBIT 1

Page 25

1 part of this answering Defendant, and asserts the following
2 affirmative defenses:

3 FIRST AFFIRMATIVE DEFENSE

4 (Failure to State a Cause of Action)

5 This answering Defendant is informed and believes and thereon
6 alleges that the Complaint, and each purported cause of action
7 stated therein, fails to state facts sufficient to constitute a
8 cause of action against this answering Defendant.

9 SECOND AFFIRMATIVE DEFENSE

10 (Statute of Limitations)

11 This answering Defendant is informed and believes and thereon
12 alleges that the Complaint, and each purported cause of action
13 stated therein, is barred by the applicable statutes of limitations
14 as set forth in the California Code of Civil Procedure including,
15 but not limited to, Sections 337, 338, 339 and 340, et seq.

16 THIRD AFFIRMATIVE DEFENSE

17 (Waiver)

18 This answering Defendant is informed and believes and thereon
19 alleges that Plaintiff herein, and Plaintiff's representatives
20 and/or agents, have engaged in conduct and activities by reason of
21 which said parties have knowingly and intentionally waived any and
22 all claims against this answering
23 Defendant, and Plaintiff herein is thereby barred and estopped from
24 any recovery.

25 FOURTH AFFIRMATIVE DEFENSE

26 (Failure to Mitigate Damages)

27 This answering Defendant is informed and believes and thereon
28 alleges that Plaintiff, by the exercise of diligence, could have

EXHIBIT 1

1 mitigated against Plaintiff's claimed damages, if any; therefore,
2 Plaintiff's damages, if any, must be reduced, diminished or defeated
3 by such amounts as should have been mitigated.

4 FIFTH AFFIRMATIVE DEFENSE

5 (Laches)

6 This answering Defendant is informed and believes and thereon
7 alleges that Plaintiff's claims against it are time-barred by the
8 equitable doctrine of laches.

9 SIXTH AFFIRMATIVE DEFENSE

10 (Estoppel)

11 This answering Defendant is informed and believes and thereon
12 alleges that Plaintiff's claims against it are precluded and barred
13 by the equitable doctrine of estoppel.

14 SEVENTH AFFIRMATIVE DEFENSE

15 (Unclean Hands)

16 This answering Defendant is informed and believes and thereon
17 alleges that Plaintiff's claims against it are precluded and barred
18 by the equitable doctrine of unclean hands.

19 EIGHTH AFFIRMATIVE DEFENSE

20 (Equity)

21 This answering Defendant is informed and believes and thereon
22 alleges that as between the Plaintiff and this answering Defendant,
23 the equities do not preponderate in favor of the Plaintiff, and
24 accordingly, the Plaintiff is barred from any recovery herein.

25 NINTH AFFIRMATIVE DEFENSE

26 (Acts/Omissions of Plaintiff)

27 This answering Defendant is informed and believes and thereon
28 alleges that if Plaintiff ~~EXHIBIT 1~~ offered or sustained any loss or damage,

1 the same was directly, legally, and proximately caused and
2 contributed to by Plaintiff's representatives and/or agents and/or
3 Plaintiff's own negligent and intentional conduct, acts, and
4 omissions.

5 TENTH AFFIRMATIVE DEFENSE

6 (Comparative Fault)

7 Without in any way admitting the allegations of the Complaint,
8 this answering Defendant is informed and believes and thereon
9 alleges that if they are subjected to any liability to Plaintiff
10 herein, it will be due, in whole or in part, to the conduct, acts,
11 omissions, negligence and activities of Plaintiff, the Plaintiff's
12 representatives and/or agents and/or others and/or other persons or
13 entities who are not yet named as co-defendants or cross-defendants
14 to this action but who may later be named as co-defendants or cross-
15 defendants to this action; wherefore, any recovery obtained by
16 Plaintiff against this answering Defendant should be reduced
17 according to the law of comparative negligence.

18 ELEVENTH AFFIRMATIVE DEFENSE

19 (Intervening Superseding Causes)

20 This answering Defendant is informed and believes and thereon
21 alleges that the injuries and damages of which Plaintiff complains
22 were proximately caused by or contributed to by the acts of other
23 defendants, cross-defendants, persons and/or other entities and that
24 said acts were an intervening and superseding cause of the injuries
25 and damages, if any, of which the Plaintiff complains, thus barring
26 Plaintiff from any recovery from this answering Defendant.

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EXHIBIT 1

1 TWELFTH AFFIRMATIVE DEFENSE

2 (Complaint Without Reasonable Care/Good Faith)

3 This answering Defendant is informed and believes and thereon
 4 alleges that this action is not brought against it by Plaintiff with
 5 reasonable cause or in the good faith belief that there is a
 6 justifiable controversy between the parties under the facts and law
 7 which warrants the filing of Plaintiff's Complaint. This answering
 8 Defendant will avail itself of all remedies legally available to it
 9 at law, including, but not limited to, an award of reasonable
 10 attorneys' fees and costs incurred in defending this action and/or
 11 prosecuting a cross-action, in connection with Plaintiff's
 12 unwarranted and unreasonable filing of this action against this
 13 Defendant.

14 THIRTEENTH AFFIRMATIVE DEFENSE

15 (Absence of Causation)

16 This answering Defendant is informed and believes and thereon
 17 alleges that no product, act or omission attributable to this
 18 answering Defendant was a substantial factor in bringing about the
 19 occurrence alleged in the Complaint or any injury, damage or loss
 20 sustained by Plaintiff, if such injury, damage or loss occurred, nor
 21 was any act or omission of or attributable to this Defendant a
 22 contributing cause thereof, and any alleged acts or omissions of or
 23 attributable to this answering Defendant were superseded by the acts
 24 or omissions of Plaintiff or of other persons, which acts or
 25 omissions of Plaintiff and of other persons were the independent,
 26 intervening and proximate cause of the occurrence alleged in the
 27 Complaint.

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EXHIBIT 1

FOURTEENTH AFFIRMATIVE DEFENSE

(Open and Obvious)

This answering defendant is informed and believes and thereon alleges that any condition of the property complained of in plaintiff's complaint was open and obvious, did not pose a substantial risk of injury and was one which plaintiff should have observed.

FIFTEENTH AFFIRMATIVE DEFENSE

(Unavoidable Accident)

This answering defendant is informed and believes and thereon alleges that the events referred to in plaintiff's complaint, and all injuries and damages, if any, resulting therefrom, were the result of an unavoidable accident insofar as this answering defendant is concerned, and occurred without any negligence or want of ordinary care or default or breach on the part of this answering defendant.

SIXTEENTH AFFIRMATIVE DEFENSE

(Standing)

This answering defendant is informed and believes and thereon alleges that plaintiff has no standing to bring any action against this answering defendant.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Reservation)

This answering Defendant is informed and believes and thereon alleges that it may have additional, as yet unasserted, defenses to Plaintiff's Complaint or any purported cause of action contained therein. This answering Defendant specifically reserves the right

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EXHIBIT 1

1 to assert additional affirmative defenses as deemed appropriate at
2 a later time.

3 PRAYER

4 WHEREFORE, this answering Defendant prays for judgment herein
5 as follows:

6 1. That Plaintiff take nothing by way of its Complaint;

7 2. For costs of suit incurred herein, including attorneys'
8 fees and costs; and

9 3. For such other and further relief as the Court deems just
10 and proper.

11 Dated: February 18, 2011

VREVICH & ASSOCIATES, APC

12

13

By: Barry M. Vrevich

14

Barry M. Vrevich
Christopher C. Magill
Attorney for Defendant, PACIFIC
CARPETS, INC.

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EXHIBIT 1

Edward C. Meara, Esq.
State Bar No. 164978
AUSTIN, BROWNWOOD & CANNON
525 B Street, Suite 1000
San Diego, CA 92101
Telephone: (619) 744-6815
Facsimile: (619) 744-6811

Attorneys for Defendant, EDUARDO GUZMAN DBA GUZMAN CARPETS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO-NORTH COUNTY

XIU YUN CHEN,

Plaintiff,

v.

HARRAH'S RINCON CASINO &
RESORT, PACIFIC CARPETS INC.,
EDUARDO GUZMAN DBA GUZMAN
CARPETS, RINCON BAND OF
LUISENO INDIANS, DOES 1 TO 50,

Defendant.

CASE NO. 37-2010-0058169-CU-PO-NC

GENERAL DENIAL TO COMPLAINT

Complaint Filed: August 10, 2010
I/C Judge: Hon William S. Dato
Dept: N-31
Trial Date: None Set

Defendant, EDUARDO GUZMAN, in answer to the unverified Complaint, on file herein, and by virtue of the provisions of California Code of Civil Procedure section 431.30, now file their general denial to said unverified Complaint and to each cause of action thereof and answering all of the allegations thereof, Defendants deny each and all of them. Defendants further specifically deny that Plaintiff has been damaged in any sum or sums whatsoever, or at all.

Defendants state the following separate affirmative defenses to this action:

AFFIRMATIVE DEFENSES
EXHIBIT 1

1 1. As to each and every cause of action alleged in the Complaint herein, Defendants
2 are informed and believe and thereon allege that any and all alleged events, happenings, injuries
3 and damages, if any, were proximately caused or contributed to by the failure of Plaintiff to
4 exercise ordinary care at the time and place alleged.

5 2. As to each and every cause of action alleged in the Complaint herein, Defendants
6 are informed and believe and thereon allege that Plaintiff fails to state facts sufficient to constitute
7 a cause of action.

8 3. As to each and every cause of action alleged in the Complaint herein, Defendants
9 are informed and believe and thereon allege that the injuries and damages complained of by
10 Plaintiff, if any there were, were either wholly, or in part, directly and proximately caused by the
11 conduct of persons or entities other than these answering Defendants.

12 4. As to each and every cause of action alleged in the Complaint herein, Defendants
13 are informed and believe and thereon allege that the injuries and damages complained of by
14 Plaintiff if any there were, were either wholly, or in part, directly and proximately caused by the
15 conduct of persons or entities other than these answering Defendants, and said conduct is either
16 imputed to Plaintiff by reason of the relationship between Plaintiff and said persons or entities, or
17 comparatively reduces the proportion of liability of these answering Defendants.

18 5. As to each and every cause of action alleged in the Complaint herein, Defendants
19 are informed and believe and thereon allege that Plaintiff has failed to mitigate Plaintiff's damage
20 if any.

21 6. As to each and every cause of action alleged in the Complaint herein, Defendants
22 are informed and believe and thereon allege that any and all alleged events, happenings, injuries
23 and damages, if any, were proximately caused or contributed to by Plaintiff, who assumed all risk
24 and hazards incident to the conduct alleged in the charging allegations.

25 7. As to each and every cause of action alleged in the Complaint herein, Defendants
26 are informed and believe and thereon allege that any injuries and damages which Plaintiff may
27 have suffered were proximately caused by the several negligence of named parties or the
28 fictitiously named parties, or ~~any of them~~ **EXHIBIT 1** or others and accordingly, liability for non-economic

1 damages, if any, must be apportioned, reduced, or allocated in direct proportion to that party's
2 percentage of fault. (C.C. § 1431.1 et seq.)

3 8. As to each and every cause of action alleged in the Complaint herein, Defendants
4 are informed and believe and thereon allege that the Complaint is barred by the applicable statutes
5 of limitations, including, but not limited to, any or all of the provisions of Code of Civil Procedure
6 sections 337, 337.1, 337.15, 338(1)(2)&338(4), 339, 340 and/or 343.

7 WHEREFORE, these answering Defendants pray that Plaintiff takes nothing by reason
8 of her Complaint and that these answering Defendants be given judgment for its costs of suit
9 incurred herein, to be incurred, and for such other and further relief as the Court deems just and
10 proper.

11 Dated: October 11, 2010

AUSTIN, BROWNWOOD & CANNON

By

EDWARD C. MEARA, ESQ..
Attorneys for Defendant, EDUARDO
GUZMAN

28 EXHIBIT 1

Xiu Yun Chen v. Harrah's Rincon Casino
SAN DIEGO Superior Court Case No. 37-2010-0058169

DECLARATION OF SERVICE [C.C.P. § 1013A, C.R.C. §§ 2003, 2008]

At the time of service I was over 18 years of age and not a party to this action. I am an employee of
AUSTIN, BROWNWOOD & CANNON. My business address is 525 B Street, Suite 1000, San
Diego, CA 92101. On this date I served the following document(s) by the following means:

GENERAL DENIAL TO COMPLAINT

- ☒ **U.S. MAIL:** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses as set forth below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at San Diego, California, in a sealed envelope with postage fully prepaid.
- ☐ **OVERNIGHT DELIVERY (UPS):** I enclosed the documents in an envelope or package and addressed to the persons at the addresses stated below. I placed the envelope or package for collection and overnight delivery at an office or a regular utilized drop box of the overnight delivery carrier.
- ☐ **UPS DELIVERY:** I enclosed the documents in an envelope or package and addressed to the persons at the addresses stated below. I placed the envelope or package for collection and delivery at an office or a regular utilized drop box of the delivery carrier.
- ☐ **MESSENGER SERVICE:** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed set forth below and providing them to a professional messenger service for service. *(A declaration by the messenger must accompany this proof of service.)*
- ☐ **FAX TRANSMISSION:** I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- ☐ **EMAIL or ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Andrew J. Davis, Esq.
Davis Law Offices
1900 W. Garvey Avenue
West Covina, CA 91790

Attorneys for Plaintiff, XIU YUN CHEN

(626) 962-7400
(626) 962-7474 Fax

- ☒ **State:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ **Federal:** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

EXECUTED on October 12, 2010, at San Diego, California.



Donna Bedale

EXHIBIT 1

FILED
NORTH COUNTY DIVISION

2011 MAR 21 PM 3:50

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Barry M. Vrevich, Esq. (State Bar No. 123999)
2 Alexia M. Norge, Esq. (State Bar No. 267101)
VREVICH & ASSOCIATES, APC
3 501 West Broadway, Suite 740
San Diego, CA 92101
Tel: (619) 515-1155 Fax: (619) 515-1159

4 Attorneys for Cross-Defendant
5 PACIFIC CARPETS, INC.
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION
10

11 XIU YUN CHEN,) Case No.: 37-2010-00058169-CU-PO-NC
12 Plaintiff,)
13 vs.) NOTICE OF CHANGE OF ADDRESS
14 HARRAH'S RINCON CASINO &)
15 RESORT, PACIFIC CARPETS, INC.,)
16 EDUARDO GUZMAN dba GUZMAN)
17 CARPETS, RINCON BANK OF LUISENO)
INDIANS, and DOES 1 TO 50,)
Defendants.)

18 TO THE CLERK OF THE SUPERIOR COURT, ALL PARTIES AND TO
19 THEIR COUNSEL OF RECORD HEREIN:

20 PLEASE TAKE NOTICE that effective immediately the new
21 address, for VREVICH & ASSOCIATES, APC, will be as follows:

22 VREVICH & ASSOCIATES, APC
23 501 West Broadway, Suite 740
24 San Diego, CA 92101
25 Telephone: (619) 515-1155
Facsimile: (619) 515-1159

26 The telephone and facsimile numbers remain the same.

27 ///

28 ///

EXHIBIT 1

NOTICE OF CHANGE OF ADDRESS

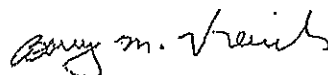
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1 The handling attorneys are Barry M. Vrevich and Alexia M.
2 Norge.

3
4 Dated: March 10, 2010

VREVICH & ASSOCIATES, APC

5
6 By:


Barry M. Vrevich
Alexia M. Norge
Attorney for Defendant, PACIFIC
CARPETS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION		FOR COURT USE ONLY FILED NORTH COUNTY DIVISION 2011 MAR 21 PM 3: 5 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
TITLE OF CASE (Abbreviated) CHEN V. HARRAH'S RINCON CASINO & RESORT, ET AL.		
ATTORNEY(S) NAME AND ADDRESS Barry M. Vrevich, Esq. VREVICH & ASSOCIATES, APC 350 10 th Avenue, Suite 900 San Diego, CA 92101-7498 (619) 515-1155; Fax (619) 515-1159		
ATTORNEY(S) FOR: Defendant, PACIFIC CARPETS, INC.	HEARING DATE/TIME: Trial Date:	CASE NO.: 37-2010-0058169-CU-PO-NC JUDGE: William S. Dato DEPT: N-31

DECLARATION OF SERVICE

I, DONNA M. DOLEZAL, declare that I am over the age of eighteen years and not a party to the action; I am employed in, or am a resident of the County of San Diego, California; where the mailing occurs; and my business address is: 350 10th Avenue, Suite 900, San Diego, California, telephone number (619) 515-1155; facsimile number (619) 515-1159. I further declare that I am not a registered California process server and I am readily familiar with the business practice for collection and processing of correspondence, pleadings, and discovery for mailing via U.S. MAIL, UPS OVERNIGHT MAIL, FACSIMILE AND/OR PERSONAL SERVICE pursuant to which practice I served the following original document(s) or true copies thereof, with all exhibits:

NOTICE OF CHANGE OF ADDRESS

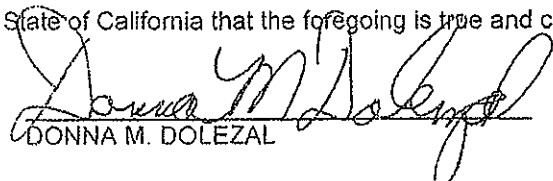
by one or more of the following methods of service for each addressee respectively as follows:

SEE ATTACHED SERVICE LIST

- ____ (BY U.S. MAIL) I caused such document(s) to be sealed in envelopes, and with the correct postage thereon fully prepaid, either deposited in the United States Postal Service or placed for collection and mailing on March 14, 2011, at San Diego, California, following ordinary business practices.
- ____ (BY OVERNIGHT MAIL) I caused such document(s) to be sealed in separate envelopes for each addressee and deposited with the United Parcel Services for collection and mailing via UPS OVERNIGHT MAIL on March 14, 2011, at San Diego, California, following ordinary business practices.
- ☒ (BY FACSIMILE) I caused such document(s) to be transmitted via facsimile to the named persons at their respective fax numbers on February 10, 2009, at San Diego, California. I then confirmed receipt of the facsimile transmission. The facsimile machine used complied with the California Rules of court, Rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.
- ____ (BY PERSONAL SERVICE) On _____, 2009, at approx. _____ a.m./p.m., I served a copy of the following documents: _____ on the interested parties by personally delivering a copy of said document(s) to: _____, at the following address(es): _____ by: (mark one)
- ____ personally delivering the copies.
 - ____ leaving the copies at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served ____ with a receptionist or a person having charge thereof; or ____ in a conspicuous place in the office between 9:00 a.m. and 5:00 p.m.
 - ____ by leaving the copies at the individual's residence with some person of not less than 18 years of age. (If service was to a party and not an attorney, delivery was made between 8:00 a.m. and 6:00 p.m.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 14, 2011.


DONNA M. DOLEZAL

DECLARATION OF SERVICE

(C.C.P. 1013a(1), 1013a(3), EXHIBIT 1, California Rules, Div. 11, Rule 5.2C and C.R.C 982)

PAGE 1

PROOF OF SERVICE

Page 38

FIRM/ATTORNEY	PARTY
<p>Andrew J. Davis, Esq. Davis law offices 1900 W. Garvey Avenue South, Suite 160 West Covina, CA 91790 Tel: (626) 962-7400 Fax: (626) 962-7474 davislaw@charterinternet.com</p>	

DECLARATION OF SERVICE

(C.C.P. 1013a(1), 1013a(3), 2015.54010, 1013a(1) and Federal Rules, Div. 11, Rule 5.2C and C.R.C 982)

EXHIBIT 1

PAGE 2

PROOF OF SERVICE

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